

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID PAYO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1147
)	Judge Ambrose
)	Magistrate Judge Bissoon
RAYMOND RUSTIN, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

David Payo's Complaint filed pursuant to 42 U.S.C. § 1983 was received by the Clerk of Court on August 18, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on September 17, 2009, recommended that the Partial Motion to Dismiss filed by Defendants (Doc. 42) be granted with respect to Plaintiff's claim of verbal abuse, but that it be denied in all other respects. The parties were allowed ten days from the date of service to file objections. Service was made upon Plaintiff by First Class United States Mail at his place of incarceration. Objections were due on or before September 30, 2009, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 7th day of Dec., 2009,

IT IS HEREBY ORDERED that Defendants' Partial Motion to Dismiss (Doc. 42) is GRANTED IN PART AND DENIED IN PART.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 52) is adopted as the opinion of the court.



s/Donetta Ambrose
Donetta Ambrose
United States District Judge

cc:
DAVID PAYO
HS7147
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